

REMARKS

Applicant respectfully requests further examination and reconsideration in view of the above amendments and arguments set forth fully below. Claims 1-32 were previously pending in this application. Within the Office Action, Claims 1-18 and 20-32 have been rejected and Claim 19 has been objected to. By way of the above amendments Claims 1, 5, 7-12, 15, 17, 18, 20, 21, 23, 26, 29 and 30 have been amended and Claims 19 and 22 have been canceled. Accordingly, Claims 1-18, 20, 21 and 23-32 are now pending in this application.

Objection to Claims:

Within the Office Action Claim 10 has been objected to for reciting the phrase “2 Joules of more.” By way of the above amendment, Claim 10 has been amended to recite the phrase “2 Joules or more” instead of “2 Joules of more.”

Rejections Under 35 U.S.C. § 102(b)

Within the Office Action, Claims 1-7, 9-11, 13-15, 18, 20-24, 26 and 28-30 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,795,153 to Rechmann (hereafter “Rechmann”).

Rechmann teaches treating periodontal pockets with laser light by inserting an optical fiber into the periodontal pockets and emitting laser light from within the periodontal pockets. However, Rechmann fails to teach or suggest testing for the presence of a pathogen, such as now recited in the independent Claim 1. The step of testing for a pathogen was originally recited in the dependent Claim 19. It is stated within the Office Action that Claim 19 is objected to as being dependent on a rejected base claim, but would be allowable if rewritten in independent form.

Further, Rechmann fails to teach or suggest treating periodontal pockets with laser radiation by irradiating a periodontal pocket through an outer portion of periodontal tissue, as currently recited in the independent Claim 20. In accordance with the embodiments of the invention, a portion of outer periodontal tissue, such as the outer gum tissue, is treated with laser pulses having sufficient penetration to provide an antiseptic result to the periodontal pockets.

Specifically, Claim 1 now recites a method of treating a pathogen within an oral cavity, the method comprising testing for the presence of one or more pathogens within the oral cavity and irradiating target tissue within the oral cavity with pulsed laser light having an energy of 10

Joules/cm² per pulse or greater. As described above, Rechmann fails to teach or suggest the step of testing for the presence of a pathogen. For at least this reason, the independent Claim 1 is allowable over the teachings of Rechmann.

Claims 2-7, 9-11, 13-15 and 18 are all dependent on the independent Claim 1. As described above, the independent Claim 1 is allowable over the teachings of Rechmann. Accordingly, Claims 2-7, 9-11, 13-15 and 18 are also all allowable as being dependent on an allowable base claim.

The independent Claim 20 has been amended to recite a method of treating a periodontal pocket comprising generating a sequence of laser pulses at an absorption wavelength and directing the laser pulses to an outer portion of periodontal tissue such that at least a portion of bacteria within the periodontal pocket is eradicated. As described in detail above, Rechmann fails to teach or suggest directing the laser pulses to an outer portion of periodontal tissue such that at least a portion of bacteria within a periodontal pocket is eradicated. For at least this reason, the independent Claim 20 is allowable over the teachings of Rechmann.

Claim 22 has been canceled and Claims 21, 23, 24, 26 and 28-30 are all dependent on the independent Claim 20. As described above, the independent Claim 20 is allowable over the teachings of Rechmann. Accordingly, Claims 21, 23, 24, 26 and 28-30 are also all allowable as being dependent on an allowable base claim.

Rejections Under 35 U.S.C. § 103(a)

Within the Office Action, Claims 8, 12 and 17 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Rechmann in view of U.S. Patent No. 6,019,605 to Meyers (hereafter "Meyers").

Within the Office Action, Claims 17 and 32 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Rechmann in view of U.S. Patent No. 6,462,070 to Hasan et al. (hereafter "Hasan et al.").

Within the Office Action, Claims 16, 25 and 31 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Rechmann.

Claims 8, 12, 16 and 17 are all dependent on the independent Claim 1. Claims 25, 31 and 32 are all depend on the independent Claim 20. For all of the reasons described above, the independent Claims 1 and 20 are allowable over the teaching of Rechmann. Accordingly Claims 8, 12, 16, 17, 25, 31 and 32 are also all allowable as being dependent on an allowable base claim.

Claims 5, 7-12, 15, 17, 18, 21, 23, 26, 29 and 30 have been amended to correct for minor grammatical errors and/or to make them consistent with the amendment made to Claims 1 and 20 form which they dependent. No new subject matter has been introduced by way of these amendments

5. For the reasons given above, Applicant respectfully submits that Claims 1-18, 20, 21 and 23-32 are now in condition for allowance, and allowance at an early date would be appreciated. Should the Examiner have any questions or comments, the Examiner is encouraged to call the undersigned at (408) 530-9700 to discuss them so that any outstanding issues can be expeditiously resolved.

Respectfully submitted,
HAVERSTOCK & OWENS LLP

15 Dated: 5/21/2004

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CERTIFICATE OF MAILING (37 CFR § 1.8(a))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450

HAVERSTOCK & OWENS LLP

Date: 5-21-04 By: 